

TTAB

UNITED STATES PATENT AND TRADEMARK
OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: October 6, 2005

CONTEX A/S

Svanevang 2 DKX
3450 Allerød, Denmark

Cancellation No. 92044988

Reg. No. 1658077

74.081,162

Brian R Gibbons

3936 S Semoran Blvd Ste 330
Orlando, FL 32822-4016



10-12-2005

The Cad Store

U.S. Patent & TMO/TM Mail Rpt Dt. #11

V.

CONTEX A/S

Duion L. Walker, Legal Assistant

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.

Proceedings will be conducted in accordance with the Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12,

2003). Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), are available at www.uspto.gov/web/offices/dcom/ttab/.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open: **October 26, 2005**

Discovery period to close: **April 24, 2006**

30-day testimony period for party
in position of plaintiff to close: **July 23, 2006**

30-day testimony period for party
in position of defendant to close: **September 21, 2006**

15-day rebuttal testimony period
for plaintiff to close: **November 05, 2006**

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the

Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

ESTTA Tracking number: **ESTTA47462**

Filing date: **10/05/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	The Cad Store		
Entity	Corporation	Citizenship	Arizona
Address	4494 W. Peoria #105 Glendale, AZ 85302 UNITED STATES		

Attorney information	Brian Gibbons 3936 S. Semoran Blvd., Suite 330 Orlando, FL 32822 UNITED STATES trademarks@briangibbons.com Phone:407-384-6156
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Registration Subject to Cancellation

Registration No	1658077	Registration date	09/24/1991
Registrant	CONTEX A/S Svanevang 2 3450 Allerod, DENMARK		
Goods/Services Subject to Cancellation	Class 009. First Use: 19900300, First Use In Commerce: 19900400 Goods/Services: computer programs and user manuals sold therewith for use in storing, editing, modifying, converting and printing file information		
Grounds for	The registered mark has been abandoned.		

Cancellation	
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Attachments	cadstore.01.pdf (4 pages)
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Signature	/Brian Gibbons/
Name	Brian Gibbons
Date	10/05/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

THE CAD STORE,
an Arizona corporation,
Petitioner

v.

CONTEX A/S,
a Danish corporation,
Registrant

In the matter of
Registration No. 1,658,077

For the mark:
CADSTOR

Registered on the Principal Register
On September 24, 1991

Cancellation No.

PETITION TO CANCEL

PETITION TO CANCEL

Petitioner, The Cad Store, is an Arizona corporation whose principal business address is 4494 W. Peoria #105, Glendale, AZ 85302.

Registrant, Contex A/S, is a Danish corporation whose last known address was Sveneang 2, 3450 Allerod, Denmark.

Petitioner believes that it will be damaged by the above-identified registration, and hereby petitions to cancel such registration.

The grounds for cancellation are as follows:

1. Petitioner has used the THE CAD STORE mark in connection with retail store services and educational services, since at least as early as 1985.

BRIAN R. GIBBONS

Attorney at Law

Petition for Cancellation
Registration No. 1,658,077
October 5, 2005
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2. Petitioner has developed extensive goodwill throughout the United States with respect to its THE CAD STORE mark.
3. Petitioner has spent substantial sums for the advertisement and promotion of its services identified by the THE CAD STORE mark throughout the United States.
4. As a result of the expenditure of considerable sums for promotional activities and advertising, and by virtue of the high quality of its goods and services, Petitioner has garnered a valuable reputation for its THE CAD STORE mark.
5. Registration No. 1,658,077 was issued on or about September 24, 1991, and identifies the Registrant as Contex A/S, a Danish corporation whose last known address was Sveneang 2, 3450 Allerod, Denmark.
6. Registration No. 1,658,077 is for use of the trademark CADSTOR in connection with computer programs, in International Class 9.
7. Petitioner has filed an application (Serial No. 76/609,418) to register, on the Principal Register, the THE CAD STORE mark for its services in International Class 35.
8. The examining attorney assigned to Application Serial No. 76/609,418 has refused registration of the THE CAD STORE mark, asserting that the THE CAD STORE mark

Petition for Cancellation
Registration No. 1,658,077
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so resembles the mark CADSTOR in Registration No. 1,658,077 as to be likely to cause confusion, to cause mistake, or to deceive.

ABANDONMENT

9. On information and belief, Petitioner avers that Registrant is not presently using and has no intention to use the CADSTOR mark in connection with the goods described in Registration No. 1,658,077.
10. On information and belief, Petitioner avers that Registrant has not used the CADSTOR mark in connection with the goods described in Registration No. 1,658,077 for at least three years prior to the filing of this Petition.
11. Registrant has abandoned the CADSTOR mark in connection with the goods described in Registration No. 1,658,077.

WHEREFORE, Petitioner prays that Registration No. 1,658,077 be cancelled.

The required fee under 37 C.F.R. §2.6(a)(16) is enclosed herewith.

The Cad Store has appointed Brian R. Gibbons, an attorney admitted to practice before the Supreme Court of the State of Florida, whose principal office is located at 3936 S. Semoran Blvd., Suite 330, Orlando, Florida 32822, as its duly authorized agent and attorney in the matter of this cancellation, with full power of substitution and revocation, to transact all business with

BRIAN R. GIBBONS

Attorney at Law

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the Patent and Trademark Office and elsewhere in the United States courts in connection with this cancellation, to sign all papers which may be hereinafter filed in connection with this cancellation, and to receive all communications relating to this cancellation.

Respectfully submitted,



Brian R. Gibbons
Attorney for Petitioner

10/05/05
Date

3936 S. Semoran Blvd., Suite 330
Orlando, FL 32822-4016
Phone: (407) 384-6156
Fax: (407) 384-6055

Sum in Ten Days

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U.S. POSTAGE